

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

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 In re Application of: : Examiner: P. Smith
 :
 Michael WHITMAN : Art Unit: 3739
 :
 For: ELECTROMECHANICAL SURGICAL :
 DEVICE :
 : Confirmation No.: 4140
 Filed: March 15, 2002 :
 : Customer No.: 26646
 :
 Serial No.: 10/099,634 :
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Mail Stop Appeal Brief-Patents
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 P.O. Box 1450
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Signature: Loretta E. Charles/
 Loretta E. Charles

APPEAL BRIEF TRANSMITTAL

SIR:

Transmitted herewith for filing in the above-identified patent application, please find an Appeal Brief pursuant to 37 C.F.R. § 41.37.

On June 12, 2008, Applicants filed a Notice of Appeal from the last decision of the Examiner contained in the Final Office Action dated December 12, 2007. Applicants hereby request a five-month extension of time for submitting the Appeal Brief. The extended period for submitting the Appeal Brief expires on January 12, 2009.

The small entity Appeal Brief fee of \$270.00 and the small entity extension of time fee of \$1,175.00 are being paid by credit card.